



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/072,959 05/05/98 PAN

P 2919.1US

EXAMINER

MM91/0104

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FOURSON III, G	
ART UNIT	PAPER NUMBER

2823
DATE MAILED:

01/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/072,959

Applicant(s)

Pan

Examiner

George Fourson

Group Art Unit

2823



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Dec 8, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: see attachment

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: none
- Claims objected to: none
- Claims rejected: 1-5, 11-17, 25-28, and 33-38

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☒ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). 14
- ☐ Other

GEORGE FOURSON
PRIMARY EXAMINER
ART UNIT 2823

S.U. 09/072959
A.U. 2823

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The proposed amendments to claims 1,3,11,13,25,26,33 and 34 raises new issues requiring further consideration and/or search and upon cursory review do not clearly overcome the rejections of record. Specifically the proposed amendment of the independent claims 1,11,25 and 33 changes the scope of claims dependent thereon. Further, the proposed amendment of claims 3,13,26 and 34 raises new issues in that the claims are of different scope than that of the claims at the point of final rejection.

Applicant argues that the limitation of claims 3,13,26 and 34 was not addressed in the office action mailed 10/11/2000. However, as stated in the office action mailed 10/11/2000, Tsai et al disclose isotropic etching of layer 34. Isotropic etching by definition includes etching in both horizontal and vertical directions, at least on the atomic scale. It would be expected that some localized variations in lateral etch rate would occur in such a process, at the interface with layer 36 for example, which would give rise to the recited vertical component of the etching at those location at that time.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner George Fourson whose telephone number is (703) 308-2544. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703)308-7722(7724,3431 and 3432). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.


George Fourson
Primary Examiner
Art Unit 2823

GFourson
January 3, 2001